

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12726, of Hayward Davis, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a new residential development and for variances from the floor area ratio (Sub-section 3302.1) and lot occupancy requirements (Sub-section 3303.1) to permit the proposed subdivision and new residential development comprising of five row dwellings and one semi-detached dwelling in the R-5-A District at the premises 4900-02-04-06-08-10 Central Avenue, N.E., (Square 5190, Lots 29 and 30).

HEARING DATE: September 27, 1978
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located between Central Avenue and Ames Street and is intersected by 49th Street, N.E., and is known as 4900-02-04-06-08-10 Central Avenue, N.E. It is in an R-5-A District.
2. The subject site is approximately 7,300 square feet in area. It is generally level, unimproved and covered with vegetation and debris.
3. To the north on the opposite side of Ames Street, in the R-2 District, are three story row houses; further north are detached and semi-detached residences. To the south on the opposite side of Central Avenue are four row dwellings with porches; one block further south are two story apartment buildings which front along East Capitol Street. To the immediate east with an approximate twenty foot set back are adjoining commercial buildings which include a converted church, a barber shop, a shoe repair shop and supermarket. To the west on the opposite side of 49th Street is a Fire Engine Company.
4. The applicant proposes to build five three-story row dwellings and one semi-detached dwelling. All of the dwellings are 16.6 feet wide and thirty-two feet long. The depth of the lots ranges from 70.44 feet on the western side to fifty-seven feet on the eastern side. The average lot size is 1,217 square feet. The facades of the units will consist of stone on the first level and brick on the two upper levels. The front of the dwelling units are set back eight feet from the curb of Central Avenue, a collector street. In the two foot distance between the property line and the sidewalk, landscaping is proposed.

An in-house garage with an eight foot driveway is provided at the street level in front of each unit. The rear yards of each unit will have sod planting, a concrete walkway and be enclosed by a seven foot stockade fence. The usable floor space in each unit is approximately 1,461 square feet and includes a utility room, kitchen, dining room, bathroom, powder room and two bedrooms.

5. Sub-section 3301.4 of the Zoning Regulations requires that row dwellings in the R-5-A District have at least 1,800 square feet of gross land area. A review of the building plans indicate that only one of the proposed lots complies with this Sub-section. The area of the five remaining lots averages 1,026 square feet.

6. Applying the minimum 1,800 square foot lot standards, the site could accommodate a maximum of four dwelling units.

7. Approval of the application as submitted would result in an improved site with more houses and larger building bulk than would otherwise be permitted under the regulations. In applying the proposed plan to the dimensions of the site, the forty per cent lot occupancy is exceeded by forty-five per cent and the .9 floor area ratio by seventy-one per cent.

8. The application was referred on July 5, 1978 to the MPO, DOT, DHCD and the Board of Education.

9. By memorandum dated July 27, 1978, the Department of Housing and Community Development reported that the public facilities in the area are adequate to serve the few proposed additional units. There is an elementary school within four short blocks of the proposed development and a park-recreation center within three blocks. The new units would increase the opportunity for home ownership which is consistent with the District Policy. Department of Housing had no objections.

10. By memorandum, dated July 31, 1978 the Board of Education reported that it found no objection to the proposed dwellings since there will be no impact upon school facilities.

11. By memorandum, dated August 16, 1978 the Department of Transportation reported that no adverse impacts had been identified.

12. The Municipal Planning Office, by memorandum dated August 10, 1978 and by testimony at the hearing, recommended that the application be granted only if substantial revisions to the application were made, including a reduction in the number of dwelling units from six to four. The Board finds that the revisions suggested by MPO are proper in order to provide a suitable environment for the proposed units, and to minimize the adverse effects to which the MPO refers. The Board further finds that the revisions requires complete changes in the proposed plan, which may affect the relief required from the Board. Such revision should be made by the applicant, if he chooses to build on the lot, as part of a new application, and not by the Board imposing conditions on this application.

13. Advisory Neighborhood Commission 7D, filed no recommendation on the application.

14. There was no opposition to the application.

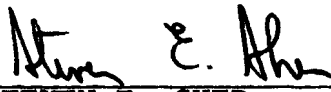
CONCLUSIONS OF LAW:

The applicant is seeking variances and a special exception in order to construct a new residential development. The variances sought are area variances, the granting of which requires a showing of a practical difficulty arising from the property itself. To grant a special exception, it must be shown that the special exception is in harmony with the general purpose and intent of the Zoning Regulations and not affect adversely the use of neighboring property. These conditions are not true in this application. The site and landscaping plan evidence that the six proposed dwellings overburden the site. The area of the subject site cannot contain the number of proposed improvements and still be in harmony with the Zoning Regulations. The applicant has created his own difficulties. The difficulties do not arise from the property, which is suitable for a lesser number of dwelling units, but from the improvement proposed to be located on the lot. The Board concludes that the subject application cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to DENY, Leonard L. McCants ABSTAINED).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 NOV 1978